

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GERALD THOMPSON, <i>et al.</i>, Plaintiffs,	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
US AIRWAYS, INC., <i>et al.</i>, Defendants.	:	No. 09-cv-870

ORDER

AND NOW, this 15th day of July, 2011, upon consideration of Defendant US Airways' Motion for Order to Show Cause (Docket No. 45), Plaintiffs' Response in Opposition (Docket No. 56), and the two Replies to the Response in Opposition filed by US Airways and Defendant Prime Flight (Docket Nos. 58 and 59), it is hereby **ORDERED** that the Plaintiffs have failed to show cause why Counts I and II of the Complaint should not be dismissed, and that Counts I and II are thus **DISMISSED** with prejudice to the extent that they are asserted by Plaintiffs who were members of the settlement class in *Mitchell v. US Airways, Inc.* (D. Mass., No. 1:08-cv-10629).

It is further **ORDERED** that if the Plaintiffs believe that any of the Plaintiffs were *not* members of the settlement class in *Mitchell*, they shall have 21 days from the entry of this Order to file a brief setting forth the basis for this belief. Defendants shall have an additional 14 days to file a response to any such brief.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE